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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
W.R. GRACE & CO., <u>et al</u>	:	Case No. 01-01139 (JKF)
	:	Jointly Administered
Debtors.	:	
	:	Claim No. 00009670

**RESPONSE TO DEBTORS' FOURTEENTH OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE)**

On behalf of claimant, John Francis Wagner (Claim No. 00009670), his attorney, Tom L. Lewis of Lewis, Slovak & Kovacich, P.C., responds to Debtors' Fourteenth Omnibus Objection to Claims (Non-Substantive) as follows:

1. Claimant's claim relates to asbestos contamination from a W.R. Grace product in or on the property, to wit: asbestos-contaminated vermiculite from the W.R. Grace mine near Libby, Montana, and the mining and other activities of W.R. Grace in the Libby community.

2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.

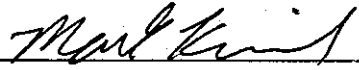
3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to W.R. Grace and W.R. Grace's representatives at the time of submission of the claim in March, 2003.

4. Claimant provided such supporting documentation as was available at that time from the U.S. Environmental Protection Agency's Libby office, to W.R. Grace and W.R. Grace's representatives as an attachment to his Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive), filed on August 8, 2003.

5. Claimant has attached a more legible copy of supporting documentation and additional supporting documentation, which was not available at the time of filing of the original proof of claim and at the time of his response to the Debtors' Second Omnibus Objection to Claims (Non-Substantive).

Respectfully submitted this 6 day of October, 2005.

Lewis, Slovak & Kovacich, P.C.

By: 
Tom L. Lewis
P.O. Box 2325
Great Falls, MT 59403
(Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Fourteenth Omnibus Objection to Claims (Non-Substantive) was served on the 6th day of October, 2005, by fax and by Federal Express courier, upon the following:

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Counsel to the Future Claimants' Representative:

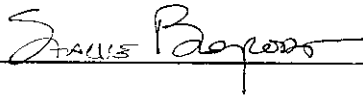
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Office of the United States Trustee:

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Attention: David Klauder
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8EPR-SR

RE: EPA Soil Sample Results and Information

Dear Libby Resident:

Over the past several years, EPA has performed a systematic inspection of nearly all residential and commercial properties in the Libby area. The purpose was to look for potential sources of Libby asbestos, such as vermiculite insulation, and to determine which properties required cleanup. As part of this effort, EPA collected soil samples from each property we inspected - over 16,000 soil samples from approximately 4,200 properties. This letter provides the results of your soil samples and some help in interpreting what they mean. If you are a renter of this property, please ensure that the property owner or landlord receives a copy of this letter. If you are a landlord, please ensure that your tenants receive a copy. Tenants have a right to know if there are adverse conditions present at their residence.

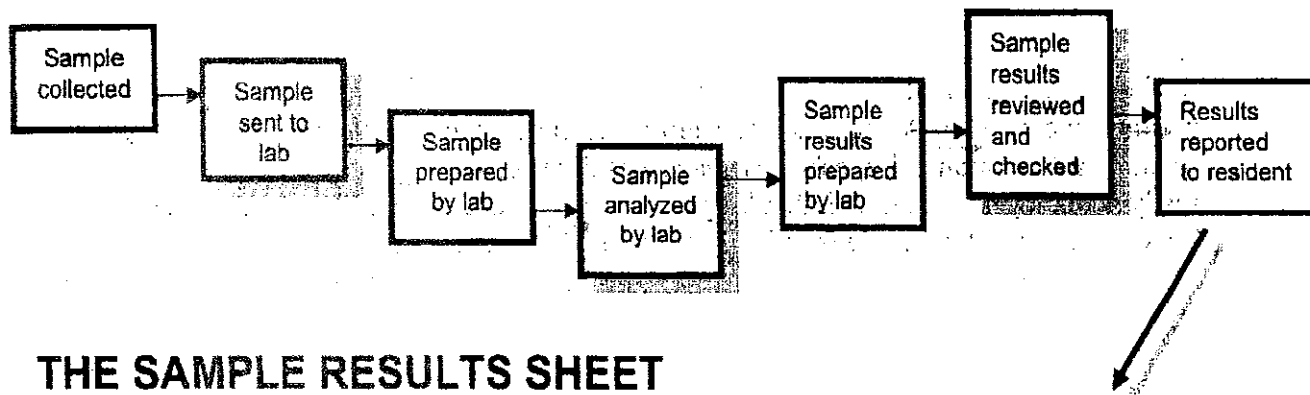
Before you review your results, it is important to understand some background about EPA's investigation and cleanup:

- **Soil samples are only one factor that EPA uses for determining whether a property requires cleanup.** Other conditions that may lead to cleanup include the presence of vermiculite attic insulation or high levels of Libby asbestos in interior dust samples. Also, the location of the contamination dictates the scope of the cleanup. Some properties may require only soil or only indoor cleanups, and some may require both.
- **This letter addresses only soil samples.** It does not include results of visual inspections or air or dust samples which may affect your property's status. These sample results will be sent separately.
- **Final "action levels" that will tell us exactly which properties will require cleanup have not yet been set.** By law, EPA must complete specific studies and publish a *Proposed Plan* for cleanup for public review and comment before making the final cleanup decisions. We expect the Proposed Plan to be available late this year. This will be followed by a *Record of Decision* that sets forth the final EPA plan for residential and commercial cleanup. At present, we have established preliminary criteria for determining which properties are "high priorities." We are currently cleaning up those high-priority properties and will, over time, work our way to other properties. Most owners of the high-priority properties have already received notification that their property needs cleanup. *After the Record of Decision is issued, EPA will provide you with your property's definitive cleanup status.*

UNDERSTANDING YOUR SAMPLE RESULTS

Contaminant Screening Study – Soil Sample Results

Libby Asbestos Site



THE SAMPLE RESULTS SHEET

Property where soil samples were collected (If this is NOT your address, please call EPA (293-6194))						
Sample ID	Sample Group	Location Description (Sublocation)	Matrix	Sample Date	PLM	
					Method	LA(%)
EPA's sample ID number for tracking purposes	Where the sample was collected at this address		What type of sample was collected	When the sample was collected	Which method was used to analyze the sample	Results (reported as a percent of Libby asbestos [LA] in the soil)

EXPLANATION OF RESULTS CATEGORIES FOR LIBBY ASBESTOS

- **ND.** This stands for "non-detect," which means that no Libby asbestos was *detected* in the sample. A "non-detect" doesn't mean that those samples are completely free of any asbestos, only that analysts could not detect the fibers using state-of-the-art analysis.
- **TR.** This stands for "trace." This means that a *very small* amount of Libby asbestos was detected in the sample, but was too small for us to quantify. This means that the amount of Libby asbestos was probably less than about 0.2% of the total sample.
- **<1%.** This means that Libby asbestos was detected in the range of about 0.2% to 1% of the total sample. These are the *lowest levels* we can accurately quantify.
- **1% or other %.** This means that Libby asbestos was detected at relatively high levels.

Property Sample Datasheet

Property: 188 Highwood Dr

CS-04243-FG	Yard	Front yard	Surface soil	8/12/2002	PLM-VE	ND	
CS-04244-FG	Yard	Back yard	Surface soil	8/12/2002	PLM-VE	ND	
CS-04245-FG	Flowerbed	Front yard	Surface soil	8/12/2002	PLM-VE	ND	
CS-04246-FG	Garden	Back yard	Surface soil	8/12/2002	PLM-VE	ND	

BD- 004040

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Additional Information Field Form (AIFF)

Field Logbook No. 100263 Page No.: 105 Site Visit Date: 8-25-03
 Address: 188 HIGHWOOD DRIVE Structure Description: HOUSE DS 8-25-03 SHED
 Occupant: JOHN WAGNER Phone Number: 293-5010 295-9701
 Owner (if different than occupant): N/A Phone Number: DS 8-25-03
 Business Name: N/A
 Sampling Team: NICHAILOFF / SPIELMAN
 Field Form Check Completed by (100% of forms): R/K
 Screening Field Check Completed by (2% of forms):

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSOS, and soil sampling FSOS, are present. Conduct additional investigations as described below. If action item does not apply to the property, check item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Yes	Current Presence of VCI - Yes: <input type="checkbox"/> Collect dust samples in structures containing VCI after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	<u>DS 8-25-03</u>
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF. If VCI is present, collect dust samples in structures containing VCI after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in structure after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	<u>DS 8-25-03</u>
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in structure after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in structure and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in structure after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	<u>DS 8-25-03</u>

CSS Additional IFF (Continued)

Address: 183 HIGHWOOD DRIVE

BD - 004040

BD# 001337

DS 8-25-03

Category and Action Trigger	Action	Notes
Secondary Source Indications Answer to any IFF questions mining history, asbestos-related disease = Yes	<input checked="" type="checkbox"/> Collect dust samples in primary and secondary structures after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	FIRST HUSBAND OF A RESIDENT WORKED AT MINE, FAMILY MEMBERS DIAGNOSED WITH ASBESTOS-RELATED ILLNESS
Vermiculite Present in Building Materials Answer to IFF question: Are there vermiculite additives in any of the building materials? = Yes	Condition of Vermiculite Containing Building Material: <input type="checkbox"/> Intact. No further action on this item required. <input type="checkbox"/> Friable, collect dust samples in structure containing friable material after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	DS 8-25-03
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage <u>(None)</u> Other: _____ <input type="checkbox"/> Item does not apply to this property.	Specific location of visible vermiculite: DS 8-25-03
OUTDOOR SAMPLING		
Visible vermiculite in suspected land use area (garden, flowerbed, etc.)	<input checked="" type="checkbox"/> Collect dust samples in primary and secondary structures after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	VISIBLE VERMICULITE IN FURNER GARDEN
Visible vermiculite in large use area (Driveway or yard)	<input checked="" type="checkbox"/> Collect soil sample for each use area and add locations to existing property diagram. <input checked="" type="checkbox"/> Collect dust samples in primary and secondary structures after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	VISIBLE VERMICULITE IN YARD SOILS COLLECTED IN 2002
ADDITIONAL INFORMATION (Note any partial access or sample collection issues): _____ _____ _____ _____		

DS 8-25-03

BD- 001387

8/2/02

Soil samples collected (Date: 8/12/02) *BP*
PH

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Primary Structure and Property Assessment Information Field Form

Field Logbook No.: 100075 Page No.: 72 Site Visit Date: 8-2-02
 Address: 188 Highway 6 Drive Structure Description: House
 Occupant: John Wagner Phone Number: 293-5010
 Owner (if different than occupant): _____ Phone Number: _____
 Sampling Team: Bob Puntec / Albert Munoz (COM)
 Field Form Check Completed by (100% of forms): AP LE
 Screening Field Check Completed by (2% of forms): _____

Data Item	Value	Notes
HOUSE ATTRIBUTES		
Property Description	<u>Residential</u> Industrial Commercial	
Surrounding Land Use	<u>Residential</u> Industrial Commercial School Mining Other: _____	
Year of Construction	<u>1950's</u> Unknown	
Square Footage	<u>1700 sq Ft.</u>	
Construction Material	<u>Wood frame</u> Masonry/Stone Other: _____	
Number of Floors Above Ground	<u>1</u> 2 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>6</u> 2: _____ 3: _____ Other: _____	
Basement	Yes <u>No</u>	
Heating Source	Wood/Coal Electric Propane/Gas Other: <u>Oil</u>	
Heat Distribution	<u>Forced air</u> Radiant Other: _____	

CSS INFORMATION FIELD FORM (continued)

Address: 188 Highland DriveBP 8-2-02
BD# 001387
001387

Data Item	Value	Notes
OCCUPANT INFORMATION		
Number of Adults/Employees	0 1 2 <u>(3)</u> 4 5-15 16-20 21-30 >30	
Number of Children	0 <u>(1)</u> 2 3 4 Other: _____	
Years at Location	<1 1-5 <u>(5-10)</u> 10-15 >15	10 years
Was the residence/building remodeled?	<u>(Yes)</u> No If yes, When (years): <2 2-5 <u>(>5)</u> Where: Attic Living Areas <u>(Garage)</u> Basement Other: _____	Added Carport
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes <u>(No)</u>	
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes <u>(No)</u>	
Are there any known areas of exposed vermiculite?	Yes <u>(No)</u> If yes, Where: Ceiling Walls Floors Attic Other: _____	

CSS INFORMATION FIELD FORM (continued)

Address: 188 Highway DriveBD# 001387

Data Item	Value	Notes
INDOOR ASSESSMENT		
Vermiculite Insulation Past or Present	Attic: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input type="radio"/> Unknown Walls: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input type="radio"/> Unknown Basement: Yes <input type="radio"/> No <input checked="" type="radio"/> NA <input type="radio"/> Unknown Crawl Space: Yes <input type="radio"/> No <input type="radio"/> NA <input checked="" type="radio"/> Unknown Other: _____	Visual confirmation of current presence or absence required for attic. <i>Owner did not want inspection of crawlspace.</i>
Evidence of Physical Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
Evidence of Water Damage?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
OUTDOOR ASSESSMENT		
Libby Amphibole Sources Present	Garden: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA Yard: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA Stockpiles: Yes <input type="radio"/> No <input checked="" type="radio"/> NA Other: _____	
Proximity to Other Properties with Potential Sources of Libby Amphiboles	Next door Within same block Other: _____ <input checked="" type="radio"/> Unknown	

CSS INFORMATION FIELD FORM (continued)

Address: 180 Highway DriveBD# 021387

Data Item	Value	Notes
EXPOSURE ASSESSMENT		
Type and Frequency of Activity Near Vermiculite Material - Indoor	Frequency:	Once a day Once a week Once a month Once a year <u>Not Applicable</u>
	Duration of Contact:	<1 hour 1-2 hours 2-4 hours >4 hours <u>Not Applicable</u>
	Extent of Contact:	Heavy Moderate Light <u>Not Applicable</u>
Type and Frequency of Activity Near Vermiculite Material - Outdoor	Frequency:	Once a day <u>Once a week</u> Once a month Once a year Not Applicable
	Duration of Contact:	<1 hour <u>1-2 hours</u> 2-4 hours >4 hours Not Applicable
	Extent of Contact:	Heavy Moderate <u>Light</u> Not Applicable

Not Applicable applies when no vermiculite is present on the property.

LV present in backyard
owner mows lawn
during summer months

CSS INFORMATION FIELD FORM (continued)

Address: Highway Drive

183

BD# 001387

Data Item	Value	Notes
CONTAMINANT SCREENING STUDY ASSESSMENT		
Occupant Information		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Is the resident, past or present, diagnosed with an asbestos related disease?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Indoor Information		
Does the interior have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Did the interior ever have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown NA	NA applies if attic currently has ZAI.
Are there vermiculite additives in any of the building materials?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Outdoor Information		
Is there any evidence of primary source materials at or near the property?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Could this have been tracked indoors or otherwise spread outdoors on the property?	Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Overall Assessment		
Are primary source materials present at the property?	Yes <input checked="" type="radio"/> No <input type="radio"/>	
Where are primary source materials located?	Inside <input type="radio"/> Outside <input checked="" type="radio"/> Both NA	
ADDITIONAL INFORMATION		
<u>No ZAI present. Owner did not want inspection of crawl space. Basically did not want us in house. Attic was insulated from outside entrance. LV present in backyard.</u> <u>Driveway is paved not gravel (BS 8/10/06)</u>		

CSS INFORMATION FIELD FORM (continued)

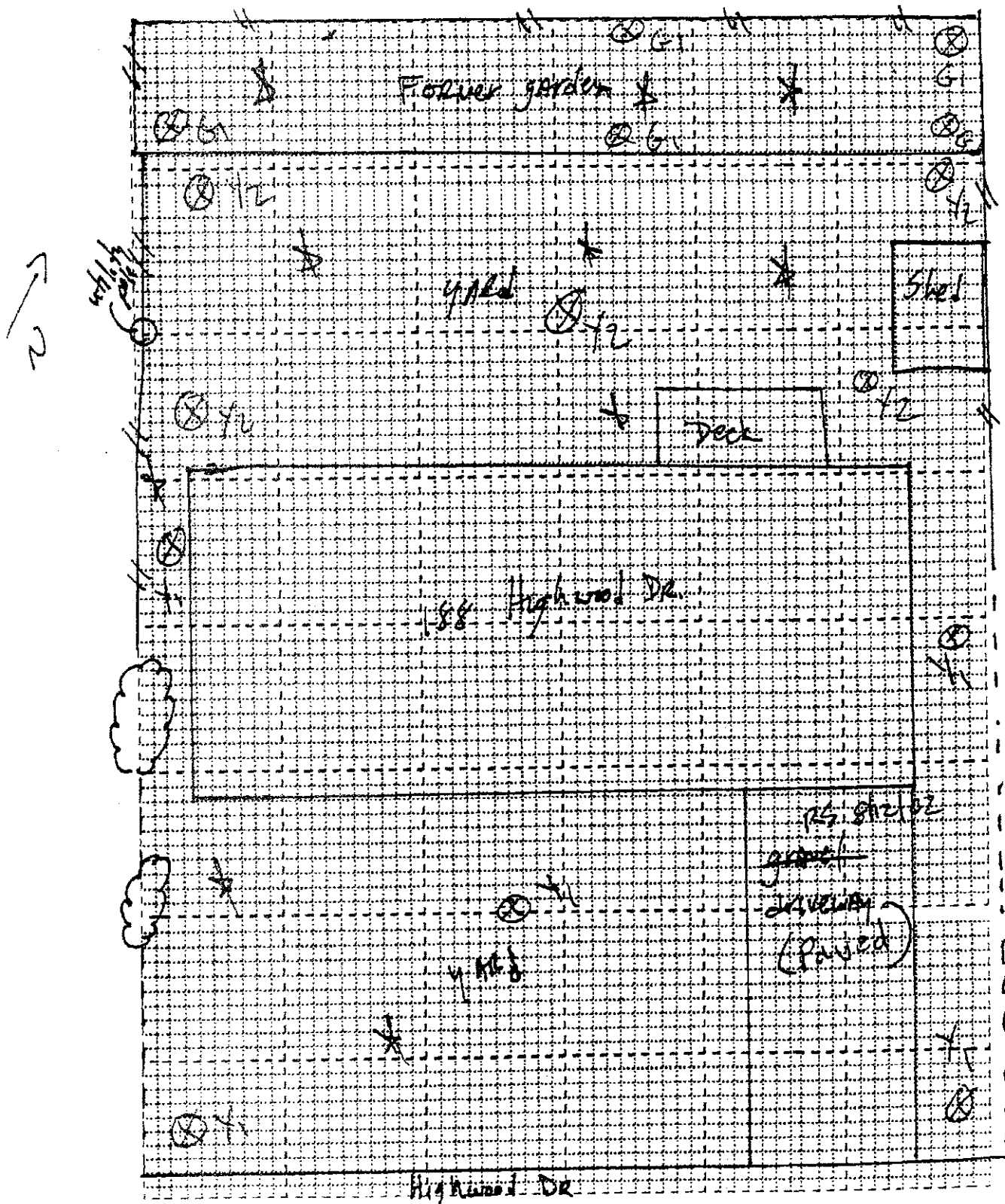
Address: 188 Highwood DrBD# 001387

FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc).

NOT TO SCALE

— Fence — — — property line * LV visible



CSS INFORMATION FIELD FORM (continued)

Address: 186 Highland DRBD# 801387

FIELD DIAGRAM OF PRIMARY STRUCTURE

Floor of House (circle): First Second Third Basement

Include approximate dimensions of rooms and floor covering type. Use more than one diagram if needed. Completed only if ZAI is present.

Scale: 1/10" = 1 foot

No ZAI